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IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 5, 1867.

Read twice, ordered to be printed, and motion to recommit pending.

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Mr. STEVENS, from the Select Committee on Reconstruction, reported the following bill:

**A BILL**

To provide for the more efficient government of the insurrectionary States.

Whereas the pretended State governments of the late so-called Confederate States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas were set up without the authority of Congress and without the sanction of the people; and whereas said pretended governments afford no adequate protection for life or property, but countenance and encourage lawlessness and crime; and whereas it is necessary that peace and good order should be enforced in said so-called States until loyal and republican State governments can be legally established: Therefore,

- 1       *Be it enacted by the Senate and House of Representa-*
- 2       *tives of the United States of America in Congress assembled,*
- 3       That said so-called States shall be divided into military dis-
- 4       tricts and made subject to the military authority of the

5 United States as hereinafter prescribed, and for that purpose  
6 Virginia shall constitute the first district; North Carolina and  
7 South Carolina the second district; Georgia, Alabama, and  
8 Florida the third district; Mississippi and Arkansas the fourth  
9 district; and Louisiana and Texas the fifth district.

1       SEC. 2. *And be it further enacted,* That it shall be the  
2 duty of the general of the army to assign to the command  
3 of each of said districts an officer of the regular army, not  
4 below the rank of brigadier general, and to detail a sufficient  
5 military force to enable such officer to perform his duties and  
6 enforce his authority within the district to which he is assigned.

1       SEC. 3. *And be it further enacted,* That it shall be the  
2 duty of each officer assigned as aforesaid to protect all per-  
3 sons in their rights of person and property, to suppress  
4 insurrection, disorder, and violence, and to punish, or cause to  
5 be punished, all disturbers of the public peace and criminals,  
6 and to this end he may allow civil tribunals to take jurisdic-  
7 tion of and to try offenders, or, when in his judgment it may  
8 be necessary for the trial of offenders, he shall have power to  
9 organize military commissions or tribunals for that purpose,  
10 anything in the constitution and laws of the so-called States  
11 to the contrary notwithstanding; and all legislative or judicial  
12 proceedings, or processes to prevent or control the proceed-  
13 ings of said military tribunals, and all interference by said

14 pretended State governments with the exercise of military  
15 authority under this act, shall be void and of no effect.

1       SEC. 4. *And be it further enacted,* That courts and judi-  
2 dicial officers of the United States shall not issue writs of  
3 habeas corpus in behalf of persons in military custody, unless  
4 some commissioned officer on duty in the district wherein the  
5 person is detained shall indorse upon said petition a statement  
6 certifying, upon honor, that he has knowledge, or information,  
7 as to the cause and circumstances of the alleged detention,  
8 and that he believes the same to be wrongful; and further,  
9 that he believes that the indorsed petition is preferred in good  
10 faith, and in furtherance of justice, and not to hinder or delay  
11 the punishment of crime. All persons put under military  
12 arrest by virtue of this act shall be tried without unnecessary  
13 delay, and no cruel or unusual punishment shall be inflicted.

1       SEC. 5. *And be it further enacted,* That no sentence of  
2 any military commission or tribunal hereby authorized, affect-  
3 ing the life or liberty of any person, shall be executed until  
4 it is approved by the officer in command of the district, and  
5 the laws and regulations for the government of the army shall  
6 not be affected by this act, except in so far as they conflict  
7 with its provisions.